



MEMO ENDORSED

September 20, 2022

VIA ECF

Hon. Valerie E. Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Courtroom 240
New York, NY 10007

USDC SDNY
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DATE FILED: 9/21/2022

Re: O'Connor v. Commercial Acceptance Company
Case No.: 1:22-cv-04989-VEC

Dear Judge Caproni:

This office represents Defendant Commercial Acceptance Company in the above-referenced matter. Please accept this correspondence as Defendant's request to adjourn the Initial Pretrial Conference currently scheduled for September 23, 2022.

Because Defendant filed an Answer after the Notice of Initial Pretrial Conference (the "Notice") had already been e-filed, I never received a copy of the Notice from the Court. Plaintiff's counsel also failed to provide me with a copy of the Notice as required in Paragraph 8 of the Notice. When Plaintiff's counsel finally informed me of the conference, he neglected to tell me that it was an in-person conference. Since I have not yet had an in-person conference scheduled since before the pandemic began, I presumed it was via telephone. Today I learned it was in person. Unfortunately, I have a personal obligation which will not allow me to attend the September 23, 2022 conference in person.

In the alternative, I ask that I be permitted to attend the conference via Zoom, or that the conference be converted to a Zoom conference.

I have reached out to my adversary, Christofer Merritt, who has graciously consented to this adjournment request. The alternate dates we are proposing are October 5, 19, and 20.

There have been no previous requests for adjournments in connection with this conference.

Thank you for Your Honor's consideration of this matter.

Respectfully submitted,

/s/ Cindy D. Salvo
CINDY D. SALVO

cc: Christofer Merritt, Esq. via ECF

The initial pretrial conference scheduled for September 23, 2022, is hereby CANCELLED. The Court will enter the parties' joint Case Management Plan under separate order.

The Court notes that the parties failed to timely file their joint letter and proposed Case Management Plan in anticipation of the initial pretrial conference, nor have they provided a sufficient explanation for the delinquency. Additionally, the joint letter at docket entry 13 does not comply with the requirements described in the Court's June 21, 2022 Order. *See* Dkt. 7. The Court reminds the parties to comply with all Court orders and the Undersigned's Individual Practices; future failure to adhere to the Court's orders may result in sanctions.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni".

Date: 9/21/2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE